

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT MAUTHE, M.D., P.C., :  
: Plaintiff, : CIVIL ACTION NO. 17-1643  
: :  
v. :  
: :  
OPTUM, INC. and OPTUMINSIGHT, INC., :  
: :  
Defendants. :  
:

**ORDER**

**AND NOW**, this 27th day of July, 2018, after considering the motion for summary judgment filed by the defendants (Doc. No. 40), the response in opposition to the motion filed by the plaintiff (Doc. No. 47), the defendants' reply to the response in opposition (Doc. No. 50), the record presented to the court by the parties, the arguments presented to the court during oral argument; and for the reasons set forth in the separately filed memorandum opinion; accordingly, it is hereby **ORDERED** as follows:

1. The motion for summary judgment (Doc. No. 40) is **GRANTED IN PART**. Summary judgment is entered in favor of the defendants and against the plaintiff on Count I of the amended complaint (Doc. No. 25);
2. Count II of the amended complaint (Doc. No. 25) is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3); and
3. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

*/s/ Edward G. Smith*  
EDWARD G. SMITH, J.